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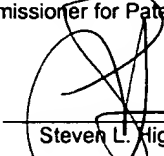
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Washington, DC 20231

RE: SN 09/816,761 "BACTERICIDAL ANTIMICROBIAL METHODS AND COMPOSITIONS FOR USE IN TREATING GRAM POSITIVE INFECTIONS" – Penelope N. Markham et al.

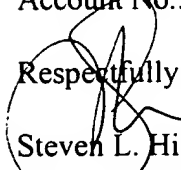
Commissioner:

Enclosed for filing in the above-referenced patent application is:

1. Response To Restriction Requirement Dated June 11, 2002; and
2. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10102532/SLH.

Respectfully submitted,


Steven L. Highlander
Reg. No. 37,642

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Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Penelope N. Markham et al.

Serial No.: 09/816,761

Filed: March 23, 2001

For: BACTERICIDAL ANTIMICROBIAL
METHODS AND COMPOSITIONS FOR
USE IN TREATING GRAM POSITIVE
INFECTIONS

Group Art Unit: 1645

Examiner: Elli Peselev

Atty. Dkt. No.: IFLX:L003US/SLH

RESPONSE TO RESTRICTION REQUIREMENT DATED JUNE 11, 2002

Commissioner for Patents
Washington, D.C. 20231

Commissioner:

This paper is submitted in response to the Restriction Requirement dated June 11, 2002 for which the date for response is July 11, 2002.

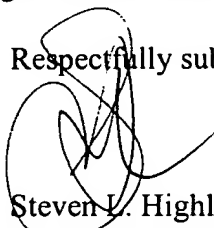
It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10102532/SLH.

In response to the restriction requirement which the Examiner imposed, Applicants elect, without traverse, to prosecute claims 1-40 and 44-79, *i.e.*, the Group I claims.

With regard to an election of species, applicants elect the compound erythromycin as the antibiotic, and INF401 (see formula VI, page 21) as the potentiator. All claims are generic to the elected species.

The Examiner is invited to contact the undersigned attorney at Steven L. Highlander with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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Date: June 26, 2002